

Docket No.: 42P11434

### REMARKS

The arguments presented herein address the Final Office Action mailed September 21, 2004. This Preliminary Amendment was filed in conjunction with a Request for Continued Examination.

#### **35 U.S.C. § 102 Rejection**

##### *Yoon et al.*

The Examiner rejected claims 1-4, 12 and 15-22 under 35 U.S.C. § 102(b), as being anticipated by the patent to Yoon et al. (EP 0413903A1).

Contrary to the Examiner's assertion, Yoon does not teach "*forming a waveguide between the two electrodes in the presence of the electric field, wherein the waveguide is formed in the plane of the two electrodes that is substantially parallel to a plane of the substrate*" as recited in independent claims 1 and 12 and their respective dependent claims.

In support of the rejection, the Examiner asserted that the Yoon's Abstract and FIGS. 2 and 3 show such a recitation. However, it is clear from an observation of FIGS. 2 and 3 of Yoon that Yoon's waveguide is disposed between the electrodes in a stacked configuration. As a result, there is no plane in Yoon's structure that is substantially parallel to a plane of the substrate that also contains the waveguide and the electrodes. Furthermore, Yoon's Abstract says nothing about a planar arrangement of the waveguide and electrodes with respect to the substrate. The Applicant kindly requests the Examiner to provide a specific, detailed explanation of how Yoon meets such limitations, or to otherwise withdraw the rejection.

##### *Komatsu et al.*

The Examiner rejected claims 1 and 12 under 35 U.S.C. § 102(b), as being anticipated by the patent to Komatsu et al. (U.S. 5,334,551).

The same arguments made with respect to the patent to Yoon likewise apply to the patent to Komatsu, namely that Komatsu only shows the waveguide and electrodes in a stacked configuration, however there is there is no plane in Komatsu's structure that is substantially parallel to a plane of the substrate that also contains the waveguide and the

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electrodes. Furthermore, Komatsu's Abstract says nothing about a planar arrangement of the waveguide and electrodes with respect to the substrate. The Applicant kindly requests the Examiner to provide a specific, detailed explanation of how Komatsu meets such limitations, or to otherwise withdraw the rejection.

### 35 U.S.C. § 103 Rejection

#### *Komatsu et al. in view of Jain et al.*

The Examiner rejected claims 13-14 under 35 U.S.C. § 103(b), as being unpatentable over Komatsu et al. (U.S. 5,334,551) in view of Jain et al. (6,221,565).

Again, as with Yoon and Komatsu, likewise the patent to Jain only shows the waveguide and electrodes in a stacked configuration, however there is there is no plane in Jain's structure that is substantially parallel to a plane of the substrate that also contains the waveguide and the electrodes. The Applicant kindly requests the Examiner to provide a specific, detailed explanation of how Komatsu and Jain, either alone or in combination, meet such limitations, or to otherwise withdraw the rejection.

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**Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

**Invitation for a Telephone Interview**

The Examiner is invited to call the undersigned attorney, Kenneth J. Cool, at (720) 227-9445 if there remains any issue with allowance.

Respectfully submitted,  
INTEL CORPORATION

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Kenneth J. Cool  
Reg. No. 40,570

Kenneth J. Cool  
Blakely, Sokoloff, Taylor & Zaffman, LLP  
12400 Wilshire Boulevard, 7<sup>th</sup> Floor  
Los Angeles, California 90025-1026  
Tel: (720) 227-9445  
Fax: (720) 249-2506

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